



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

August 5, 2015

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: August 6, 2015

**BY HAND DELIVERY**

The Honorable Kevin Thomas Duffy  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: ***United States v. Carmine Persico, 85 Cr. 139 (KTD)***

Dear Judge Duffy:

On July 13, 2015, Carmine Persico filed a motion pursuant to Federal Rule of Procedure 35(a) to vacate his sentence on the grounds that, *inter alia*, his sentence is substantively unreasonable under the Sixth Amendment, illegal under the Due Process Clause of the Fifth Amendment, and "constitutionally defective" as a result of the Government's alleged failure to disclose exculpatory information. On July 17, 2015, the Court ordered the Government to respond to the motion within 21 days.

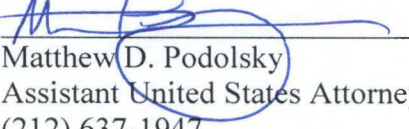
In order to permit the Government to address various factual claims in Persico's motion, the Government respectfully requests an extension of time to respond to the motion of 30 days, until September 8, 2015. The records in this case are voluminous and, due to the passage of time, are kept off-site. The Government has not previously requested an extension of time. Anthony DiPietro, counsel for Carmine Persico, has consented to this request for extension of time.

Respectfully submitted,

Request granted. The  
Government's response is  
due on September 8, 2015.

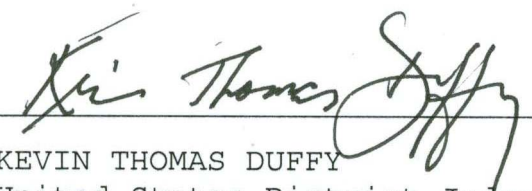
PREET BHARARA  
United States Attorney for the  
Southern District of New York

**SO ORDERED.**

By:   
Matthew D. Podolsky  
Assistant United States Attorney  
(212) 637-1947

cc: Anthony DiPietro  
Law Office of Anthony DiPietro  
15 Chester Avenue  
White Plains, New York 10601

Dated: New York, New York  
August 6, 2015

  
KEVIN THOMAS DUFFY  
United States District Judge